

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 WASHINGTON TOXICS COALITION, et al.,

11 Plaintiff,

12 v.

13 ENVIRONMENTAL PROTECTION AGENCY
14 and MICHAEL O. LEAVITT,
ADMINISTRATOR,

15 Defendants,

16 AMERICAN CROP PROTECTION
ASSOCIATION, et al.,

17 Intervenor-Defendants.
18

CASE NO. C01-132C

MINUTE ORDER

19 The following Minute Order is made by direction of the Court, the Honorable John C.
20 Coughenour, United States District Judge:

21 This matter comes before the Court on Plaintiffs' Motion for Further Action by Defendant
22 Environmental Protection Agency to Implement the January 22, 2004 Order (Dkt. No. 300) and
23 Plaintiffs' Motion for Clarification that the January 22, 2004 Order's Noxious Weed Exclusion Does Not
24 Authorize Application of the Covered Pesticides Directly into Salmon Supporting Waters (Dkt. No. 304).
25

1 Pursuant to Fed. R. Civ. P. 62(c) and *Natural Resources Defense Council v. Southwest Marine,*
2 *Inc.*, 242 F.3d 1163 (9th Cir. 2001), this Court retains jurisdiction to rule on these motions during the
3 pendency of Defendants' appeal. The Court, however, hereby DEFERS ruling on the motions pending a
4 decision in this matter by the U.S. Court of Appeals for the Ninth Circuit.

5 The Court hereby STRIKES the motions. Plaintiffs may refile the motions following the issuance
6 of a decision by the Ninth Circuit.

7
8 DATED this 23rd day of December, 2004.

9 BRUCE RIFKIN, Clerk of Court

10
11 By /s/ L. Simle
12 Deputy Clerk
13
14
15
16
17
18
19
20
21
22
23
24
25